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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 CAMILLA HERRON,

13 Plaintiff,

14 v.

15 DRUG ENFORCEMENT  
16 ADMINISTRATION,

17 Defendant.

Case No.: C 10-3868 PVT

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE TO ALLOW  
PLAINTIFF TIME TO PROPERLY SERVE  
DEFENDANT**

18 On November 5, 2010, Plaintiff filed a Case Management Conference Statement in which  
19 she states she will be requesting a default judgment.<sup>1</sup> However, the Affidavit of Process Server that  
20 Plaintiff filed on September 15, 2010 does not show that Defendant has been properly served with  
21 the complaint. The Affidavit states that the process server served Defendant by delivering copies of  
22 the Summons, Complaint, and related documents to Alfred Regnery, Chief Counsel and Authorized  
23 Agent of the Drug Enforcement Administration. There is no indication in the docket that Plaintiff  
24 has complied with *all* of the requirements of Federal Rules of Civil Procedure 4(i)(2), which  
25 provides:

26 “To serve a United States agency or corporation, or a United States officer or  
27 employee sued only in an official capacity, a party *must serve the United States and*

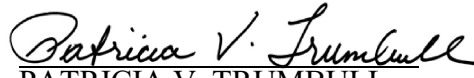
28 <sup>1</sup> The holding of this court is limited to the facts and the particular circumstances  
underlying the present motion.

1 *also send a copy of the summons and of the complaint by registered or certified mail*  
2 *to the agency, corporation, officer, or employee.” See Fed.R.Civ.Pro. 4(i)(2)*  
(emphasis added).

3 Thus, to serve an agency of the United States, a plaintiff must serve both the United States (by the  
4 means set forth in Rule 4(i)(1)), *and* send copies of the summons and complaint to the agency by  
5 either registered or certified mail. Therefore, based on the file herein,

6 IT IS HEREBY ORDERED that the Case Management Conference is CONTINUED to 2:00  
7 p.m. on January 25, 2011 to allow Plaintiff time to properly serve Defendant, and for Defendant to  
8 respond to the complaint. The parties shall file their Joint Case Management Conference Statement  
9 no later than January 18, 2011.

10 Dated: 11/9/10

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12 PATRICIA V. TRUMBULL  
United States Magistrate Judge